

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Michael Abraham Farr,

10 Petitioner,

11 v.

12 Bonnie Jeanene Kendrick,

13 Respondent.
14

No. CV-19-08127-PCT-DWL

ORDER

15 Pending before the Court is a motion to redact transcripts (Doc. 92) filed by
16 Petitioner Michael Abraham Farr (“Father”). For the following reasons, the motion will
17 be denied without prejudice.

18 **BACKGROUND**

19 In April 2019, Father initiated this case by filing a petition under the International
20 Child Abduction Remedies Act (“ICARA”), 22 U.S.C. § 9001 *et seq.*, which implements
21 the provisions of the Hague Convention on the Civil Aspects of International Child
22 Abduction (“the Convention”). (Doc. 1.) In the petition, Father, who is proceeding *pro se*,
23 sought an order compelling his ex-wife, Bonnie Jeanene Kendrick (“Mother”), to return
24 the couple’s minor children E.G.F. and E.C.F. to Mexico.

25 The case culminated in a three-day evidentiary hearing held on June 12-14, 2019.
26 During the hearing, the parties repeatedly referred to E.G.F. and E.C.F. (as well as to
27 another shared child, K.M.K.F.) by their complete names rather than by their initials. As
28 a result, the Court provided the following instruction to the parties:

1 Throughout the morning proceedings there have been references to the minor
2 children by their names. That's understandable. It's very difficult and seems
3 sort of clinical to keep referring to them by their initials. I'd simply note that
4 if and when a transcript is prepared in this case, each time the children are
5 referred to by their names rather than initials, the party ordering the transcript
6 will need to go through line by line and alert the court reporter on where that
7 information needs to be redacted. So given that, it may be you want to keep
8 referring to them by their names, but just recognize that every time you're
9 doing that, you're buying yourself a lot of work on the back end in terms of
10 how the transcript is going to look. I just want to make everybody aware of
11 that.

12 (Doc. 80 at 122.)

13 On June 21, 2019, the Court issued an order denying Father's petition. (Doc. 72.)

14 On June 28, 2019, Father filed a notice of appeal (Doc. 76) and placed an order with
15 the court reporter for the transcripts from each day of the evidentiary hearing (Doc. 77).

16 On July 12, 2019, the court report provided the transcripts to Father by filing a
17 "Notice of Filing of Official Transcript." (Docs. 80, 81, 82.) Each notice specified that
18 any "Redaction Request" was due by August 2, 2019 and that the transcripts would be
19 released to the public on October 10, 2019. (*Id.*)

20 No redaction request was filed by August 2, 2019.

21 On September 3, 2019, Father filed a "motion to redact transcripts." (Doc. 92.) It
22 requests "that the names of my minor children, K.M.K.F., E.G.F., and E.C.F. be redacted
23 from the electronic transcript. I understand the timeframe to request such redaction with
24 the court reporter has expired. As a pro se litigant my knowledge of this procedure and
25 timeline that accompanies it was very limited. Good cause exists for the Court to grant this
26 motion to protect the identity of the minor children." (*Id.* at 1.)

27 **DISCUSSION**

28 Father's request is governed by section 330.10.10(e) of Volume 10 of the Guide to
the Judiciary Policy, which provides that "[a] party is to submit to the court reporter or
transcriber, within 21 calendar days of the transcript's delivery to the clerk, or longer if a
court so orders, a statement indicating where the personal data identifiers to be redacted

1 appear in the transcript. The court reporter or transcriber must redact the identifiers as
2 directed by the party.”

3 As an initial matter, although Father’s request is untimely—he was required, under
4 both the notices (Docs. 80, 81, 82) and section 330.10.10(e), to submit any redaction
5 request within 21 days of when the transcript was initially provided to him (*i.e.*, by August
6 2, 2019)—the Court has discretion to extend this deadline. The Court will do so here
7 because minors’ names should not appear in the public docket. Instead, they should only
8 be identified by their initials. *Cf.* Fed. R. Civ. P. 5.2(a)(3) (“Unless the court orders
9 otherwise, in an electronic or paper filing with the court that contains . . . the name of an
10 individual known to be a minor, . . . a party or nonparty making the filing may include only
11 . . . the minor’s initials . . .”).

12 As for the substance of Father’s request, he asks the court reporter to go through
13 three lengthy transcripts, identify each instance where a minor is identified by name, and
14 then replace that reference with the minor’s initials. This request is impermissible. The
15 burden is on the party requesting the redaction to identify each instance where a personal
16 identifier appears in the transcript. This is not the court reporter’s job. *See also* Guide To
17 Judiciary Policy, Vol. 5, § 510.25.20(a) (“The parties have the responsibility to review the
18 transcripts and request redactions, if necessary”); *id.* § 510.25.20(b)(2) (“Court
19 reporters and transcribers do not have the responsibility . . . [t]o notify the parties of
20 material that should be redacted.”).


21 Accordingly, **IT IS ORDERED** that Father’s motion to redact (Doc. 92) is **denied**
22 **without prejudice**.

23 **IT IS FURTHER ORDERED** that the Court will *sua sponte* extend, from August
24 2, 2019 to **October 4, 2019**, the deadline for redaction requests. Father may submit another
25 redaction request on or before the new deadline that precisely identifies, by page and line
26 number, each instance where a minor is identified by name and specifies the initials that
27 should be used to replace the minor’s name.

28 **IT IS FURTHER ORDERED** that the Court will also *sua sponte* extend, from

1 October 10, 2019 to **November 8, 2019**, the date on which the transcripts will be released
2 to the public. This extension is necessary so the court reporter will have enough time to
3 implement any future redaction request submitted by Father.

4 Dated this 23rd day of September, 2019.

5
6
7 
8 _____
9 Dominic W. Lanza
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28